

REMARKS

Claims 1-17 and 38-46 are pending in the application, of which claims 1 and 38 are independent. Favorable reconsideration and further examination are requested.

In the office action mailed on March 1, 2007, the Examiner indicated that the amendment of December 18, 2006 was non-responsive for failing to point out the patentable novelty of the newly presented claims 38-46. In response, the applicant provides the following comments.

In the office action mailed on August 16, 2006, the Examiner rejected the claims under 35 U.S.C. 102(e) as being anticipated by Govari (EP 1 203 560).¹ Claim 38 which was added in response to the office action mailed on August 16, 2006 recites a computer system configured to "determine an undisturbed amplitude ratio that relates the amplitude of the first position indication signal at a first frequency to the amplitude of the second position indication signal at a second frequency and adjust a position indication based on... the undisturbed amplitude ratio." Govari is not understood to disclose or suggest at least this feature of claim 38.

In contrast to the applicant's claimed method, Govari teaches a method in which a ratio of disturbed amplitude signals is used to determine a spatial coordinate.² More particularly, Govari calculates an amplitude ratio according to the equation $\beta_i = \frac{\overline{M}_i}{\overline{M}_0}$.³ As shown in Govari's equation 5a, M_i represents a disturbed amplitude and can be calculated according to

$\overline{M}_i = \overline{A}_i + \overline{A}_i'$ where \overline{A}_i represents the unperturbed field and \overline{A}_i' represents the perturbed field.

¹ The Examiner has not rejected dependent claims 2-17 under 35 U.S.C. 102 or 103.

² Page 8, ¶ 53-54.

³ Page 8, ¶ 53.

As such, since Govari's ratio of amplitudes is a ratio of disturbed amplitudes. Govari fails to disclose or suggest a computer system configured to "determine an undisturbed amplitude ratio that relates the amplitude of the first position indication signal at a first frequency to the amplitude of the second position indication signal at a second frequency and adjust a position indication based on... the undisturbed amplitude ratio..." as recited in claim 38. For at least the foregoing reasons, claim 38 is believed to be patentable over Govari.

Claims 39-46 depend from claim 38 and are patentable for at least the same reasons claim 38 is patentable.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-368-2141.

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Respectfully submitted,

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